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it grew out of the modes of thought which governed everywhere in nineteenth-century science of law. Duguit's argument that the will-conception of a legal transaction "no longer agrees in the least with the facts" (89), his discussion of the duties of a public service company (120 ff.), and his exposition of the "new conception of liability for an injurious act" (125 ff.), are of great value for us. For he shows that this interpretation of everything in terms of the individual will, which our law has resisted and our courts have had to abandon, is breaking down at home. Again, the legal questions of which he treats under the head of "property as a social function" (120 ff.) are quite as important with us as in twentieth-century France. The distinction between socialization of property, which is becoming a fact, and collective ownership, which is but a creed (129), the legal theory of property in terms of economic need (130), the demonstration that "the individualistic system of property law is disappearing" (132), and the point that this does not mean disappearance of private ownership as an economic institution, but "that the legal notion upon which protection of property is founded is being modified" (134), may be verified out of our law by the same methods which he applies to French law. This chapter, written in the best style of a great thinker, is a notable contribution to the science of law and could properly have found a place in the series on *Philosophy of Law*.

Charmont's chapter on "Changes of Principle in the Field of Family, Inheritance and Persons" (chap. 4) deals with a subject in which we have been more conscious of change and has less interest for us. French attempts to adopt American homestead legislation (162 ff.) suggest how futile these borrowings of exotic institutions are likely to prove. Also the movement for "restoration of paternal testamentary power" (184 ff.) should give pause to those who would introduce the "reserve" or some equivalent institution with us. Another matter of interest is the effect of stock companies upon the French family (169 ff.).

Five succeeding chapters (5-9) treat of the method and influence of the modern codes historically and comparatively. They contain little or nothing that is not well known, but chap. 9 (by Rocco) on the commercial codes gives the first good account in English of the work of Thöl and Goldschmidt in the system and history of commercial law. The remaining chapters treat of the "Movement for the International Assimilation of Law," which excited much interest among scholars in the past twenty-five years. As things are, the subject is somewhat academic. But the thoughtful and eloquent address of Dean Wigmore with which the volume closes deserves to be pondered in connection with inevitable movements for unification of law in the United States, if not for the promotion or restoration of unity of law among English-speaking peoples.

A few doubtful translations, *e. g.*, "gross failure of consideration" for *lésion* (p. 14), do not seriously detract from the value of the book.

R. P.

JURISPRUDENCE. By Sir John [William] Salmond. Sixth Edition. London: Sweet and Maxwell, Limited. 1920. pp. xv, 512.

The practice of issuing reprints of a standard work with minor changes under the guise of new editions leads inevitably to a point where it becomes obvious that the book speaks from the date of the original publication and not from the date of the *imprimatur*. With the sixth edition Salmond's book on *Jurisprudence* has reached that point. When the first edition appeared in 1902 it was easily the best general introduction to the subject in the English language. Even then what was original in it was not new, as the author was rather restating in rounded form what he had worked out in his *Essays in Jurisprudence*

and *Legal History* (1891), his *First Principles in Jurisprudence* (1893), and his essays in the last decade of the nineteenth century in the *Law Quarterly Review*. It is from that decade that the book speaks. That it is still the best work of its kind to put into the hands of the student proves rather that there is a gap in our literature, than that nothing has happened in the last quarter of a century in the world of jurisprudence. On the contrary, so much has happened that our author is painfully conscious that neither his engagements nor his opportunities have been such as to enable him to maintain the bibliography, an especially good feature of the first edition, "as an adequate guide to the literature of the subject." Accordingly he now omits this bibliography altogether. But, one wonders, can a book really be more modern than its bibliography?

An examination of the text of the book before us shows that it has taken practically no advantage of the translations made available by the Association of American Law Schools through its Modern Legal Philosophy Series or its Continental Legal History Series. The discussion of fundamental legal conceptions (Chapters X and XI) has not been benefited by Dean Pound's elucidation of rights and interests in the *International Journal of Ethics* or the late Professor Hohfeld's painstaking analysis in the *Yale Law Journal*. Its philosophy of law — the book has a distinct philosophical tinge (see e. g., Chapter III) — is equally oblivious of Kohler's Neo-Hegelian *Universalrechtsgeschichte* and of Stammler's Neo-Kantian categories. Its treatment of the "law of nature" is kindly, though firm, and yet there is nothing in it about the law-of-nature-with-a-changing-content that the recent French writers have taken from Stammler and developed into a system of their own. The movement for the socialization of the law was just beginning to make itself felt in Anglo-American law when Salmond was formulating his ideas, and writing from that laboratory of social experiments, New Zealand, he naturally touched on some phases of the movement (*cf.* his discussion of the purposes of punishment in Chapter IV); but it is difficult to see how one can ignore the challenge of Dean Pound's chapters on *The Scope and Purpose of Sociological Jurisprudence* in the HARVARD LAW REVIEW (vol. 24, p. 591; vol. 25, p. 140, p. 489) in this connection.

There is one phase of current opinion bearing on juristic problems that seems to have impressed the author with the necessity of elaborating his discussion in an Appendix. It is the vexed problem of sovereignty. It is not, however, the discussion of the recent French jurists who would make of the state a kind of public service corporation, that has troubled the author. These might lead to the modification of Appendix II instead of the addition of Appendix V. It is rather the unfortunate circumstance that we insist on calling by an eighteenth-century name the twentieth-century facts that cannot be comfortably summarized in a single word, at least not in the word "sovereignty." In the various parts of the British Empire these facts are, of course, particularly complicated. For this reason though a successful summary of them in traditional terms is a feat requiring much cleverness, it is not likely to interest the American reader, except as cumulative evidence of the necessity of abandoning the old nomenclature eventually.

Sir John Salmond's service to the science of jurisprudence is great beyond measure; but a part of this service, it must not be forgotten, has been the stimulation of thought which has made not only his bibliography but great parts of his book obsolete. It is to be hoped that he may long be spared to the science and that he may find occasion and opportunity to revise the book in the light of the developments which, as he has demonstrated elsewhere (e. g., in his introduction to *The Science of Legal Method*, 1917), have not passed by him unnoticed.

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